

ORIGINAL

In The United States District Court
For the Northern District of Texas
Fort Worth Division

United States of America:

v.

Case No.:

4:14-CR-074-Y

JONATHAN DANIEL KUTEJ:

Affidavit of Fact

To The Hon Terry R. Means

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED JUL 28 2014 CLERK, U.S. DISTRICT COURT By _____ Deputy _____	12:54 PM cj (MP)
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1. Jonathan Kutej did not knowingly or willingly, employ, or use, or persuade, or entice the minor child in question to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct.

2. The Indictment no. 4:14-CR-74-Y is a (Bare Bones Indictment)
3. The Indictment does not Identify a victim
4. The indictment does not specify anything about the alleged Victim's Identity.
5. The indictment does not specify any characteristics of or about the alleged victim
6. If Jonathan were to plea to this indictment it would be left up to the government to bring forth anyone in place of "Jane Doe."
7. The indictment does not bring forth any evidence to substantiate its claim of violation of 18 U.S.C. 2251(a)

8. Other than the date August 14, 2013 and in the Fort Worth Division of the Northern district of Texas, there are no specifics as to when or where this Violation took place.
9. The black iPhone clearly was not purchased with the intentions to affect interstate and or foreign commerce by producing any visual depiction
10. In the indictment there are no serial numbers or any description of the phone in question other than (one Apple iPhone "taken" from Kate; by Young)
- 11 The indictment states that the phone was taken instead of seized

I declare under penalty of perjury under the laws of the united states of America that the foregoing is true and correct.
(without submitting to any foreign jurisdiction)

07-23-14

Jon M. Mott

executed on: Authorized Representative
Without Recourse

In The United States District Court
For the Northern District Of Texas
Fort Worth Division

United States of America :

v.

Case No.:
: 4:14-CR-074-Y

JONATHAN DANIEL KUTAJ:

Affidavit of Fact

To The Hon Terry R. Means

1. On 8-15-13 Hood County Criminal Investigator R. Young. (Here in after "Young") did drive onto private property, 7905 Colony Rd Tolar TX 76476.
2. Young was in an unmarked vehicle.
3. Young was trespassing on private property.
4. Young did not display or show a badge.

5. Young did not announce himself as an officer of the law.
6. Young drew his weapon and forcefully incisted Jonathan to get on the ground.
7. Jonathan asked who he was.
8. Young denied Jonathan Kutej's request for a warrant and Identification.
9. Young stated (you watch to much TV I dont need a warrant).
10. Young Handcuffed Jonathan
11. Young searched Jonathan
12. Young Took and seized a black iPhone without a search warrant
13. Young placed the iPhone in his shirt pocket.

14. Jonathan asked that Young produce a search and or seizure warrant.
15. Young stated (I don't need a search or seizure warrant).
16. Jonathan's father Bruce Kutej was a witness to the entire incident between Jonathan and Young.
17. Bruce informed Young he was on his private property.
18. Bruce asked Young for a warrant.
19. Young again denied Bruce a warrant.
20. Jonathan requested Young turn the iPhone over to Bruce.
21. Young denied Jonathan's request to turn over the iPhone to Bruce.

22. Young did not make a clone of the iPhone.
23. Young did not secure the iPhone in a evidence bag.
24. Young did not show Jonathan a complaint.
25. Jonathan was Bailed out of Hood County on 08-16-13, the iPhone that was seized illegally, without a warrant was not in Jonathan's personal property.
26. Jonathan made a request for the Iphone at the jail on 08-16-13.
27. Young showed up at Jonathan's residence un announced on 01-14-14 and arrested Jonathan for what he claimed was a federal arrest warrant.

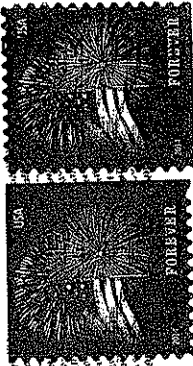
- 28 Young took Jonathan to Hood County Jail for what he was told was an over night Holding on a federal warrant 01-14-14.
29. There is not a Federal Warrant for arrest on Jonathan
- 30 There is not a federal search warrant for Jonathan's property
- 31 There is not a federal warrant for the Black iPhone for seizure.
- 32 There is not a federal warrant for the contents of the Black iPhone
- 33 Any evidence or information found in the Black iPhone illegally seized by Young is inadmissible in a court of law.

34. Any evidence obtained by the government without a warrant for seizure or search is inadmissible in the court of law.

I declare under penalty of perjury under the laws of the united states of America that the foregoing is true and correct. (without submitting to any foreign jurisdiction)

07-23-14
executed on

Jordan M. [Signature]
Authorized Representative
Without Recourse



RECEIVED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION

2014 JUL 28 PM 12:54

CLERK OF COURT

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76116

Intake

47601-177

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